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Management Association*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

American Health Information)	
Management Association,)	
)	COMPLAINT
Plaintiff,)	
)	JURY TRIAL DEMANDED
vs.)	
)	
Archetype Innovations, LLC d/b/a)	Case No.
EHR Go,)	
)	
Defendant.)	

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff American Health Information Management Association (“AHIMA”) brings this Complaint for copyright infringement against Defendant Archetype Innovations, LLC d/b/a EHR Go, alleging as follows:

SUMMARY

1. AHIMA is a 95-year-old non-profit corporation that represents health information professionals who work with health data. AHIMA offers health information professionals certifications that advance their practice and enhance the delivery of quality healthcare. AHIMA authors, and licenses to others, many publications to fulfill its mission. Among the many

publications AHIMA has authored are the eight at issue in this case (*see* ¶ 14). Defendant uses, and has used, those publications without AHIMA's permission and with knowledge of AHIMA's objection to Defendant's prior and continuing use. AHIMA files this lawsuit to protect its intellectual property rights and to prevent Defendant from continuing to make unauthorized use of its eight publications at issue.

JURISDICTION AND VENUE

2. This Court has original subject matter jurisdiction over AHIMA's claim under 28 U.S.C. §§ 1331 and 1338(a).

3. Venue is proper in this District: pursuant to 28 U.S.C. § 1400(a) because Defendant resides and may be found in this District; and pursuant to 28 U.S.C. § 1391(b) because Defendant resides in this District and a substantial part of the events giving rise to AHIMA's claim occurred, and are occurring, in this District.

PARTIES

A. AHIMA and its Works of Authorship Here at Issue

4. AHIMA is a non-profit corporation organized and existing under the laws of the State of Illinois, having its principal place of business at 233 N. Michigan Avenue, Chicago, IL 60601. *See* www.ahima.org.

5. AHIMA is a global professional association representing health information professionals who work with health data. It has been in existence since 1928 (through several name changes). AHIMA has approximately 68,000 members.

6. AHIMA offers professionals who work in the health information industry the opportunity to receive professional certifications in the following domains: health information

management; health information technology; medical billing and coding; documentation integrity; health data analytics; and healthcare privacy and security. Approximately 86,000 individuals currently have one or more active AHIMA certifications. AHIMA requires that all AHIMA certified professionals obtain regular continuing education to maintain their active status as an AHIMA certified professional.

7. AHIMA publishes, among other things, the *Journal of AHIMA* that includes both peer-reviewed and non-peer-reviewed articles. See <https://journal.ahima.org>.

8. AHIMA also formulates and issues opinions, supports education, conducts research, and compiles its contributions into the *AHIMA HIM Body of Knowledge* (where “HIM” refers to Health Information Management). See <https://bok.ahima.org>.

9. AHIMA has created the Council for Excellence in Education (“CEE”) to enhance the health information profession, to plan for its future through education, and to provide health information professionals with a way to get involved in the process. The CEE advises AHIMA on education and workforce matters and its expertise strengthens AHIMA’s vision, mission, and strategies set by AHIMA’s Board of Directors. The CEE also guides various AHIMA workgroups and the Professional Certificate Approval Program.

10. AHIMA also publishes “Curricula Competencies” to support academic program development. The Competencies provide health information faculty prescribed competencies that students must master before graduating from the program. Faculty must receive AHIMA’s permission to access the Competencies for use. AHIMA first published Competencies for associate, baccalaureate, and graduate level academic program adoption in 2014, and revised and republished them in 2018.

11. To demonstrate the ladder progression of the Curriculum Competencies across all degree levels, AHIMA published 2018 Health Information Curricula Competencies in 2018. This document shows a side-by-side comparison of the 2018 AHIMA Health Information Management Associate Degree Curriculum Competencies, the 2018 AHIMA Health Information Baccalaureate Degree Curriculum Competencies and the 2018 AHIMA Health Information Management Graduate Degree Curriculum Competencies.

12. AHIMA also publishes “Curriculum Guidance” documents that provide faculty with guidance on the types of focus areas that fall within each of the Curricula Competencies based on current workforce trends. The Guidance documents provide guidance to faculty and programs to describe the scope of each competency and proposed learning topics for each.

13. To assist faculty and program administration in the adoption of the Curriculum Competencies and the transition from the 2014 Curriculum Competencies to the 2018 Curriculum Competencies, AHIMA published “Curricula Crosswalks” for each program level.

14. AHIMA is the author of, and the exclusive owner of all copyrights in, each of the eight publications listed in the left-hand column of the chart below (each, a “Work” and collectively, the “Works”).

Publication	Reg. No.	Exhibit
AHIMA Council for Excellence in Education 2018 Health Information Management Associate Degree Curriculum Competencies	TX0009123412	A
AHIMA Council for Excellence in Education 2018 Health Information Management Associate Degree Curriculum Guidance	TX0009123408	B

Publication	Reg. No.	Exhibit
AHIMA Council for Excellence in Education 2018 Health Information Management Baccalaureate Degree Curriculum Competences	TX0009123405	C
AHIMA Council for Excellence in Education 2018 Health Information Management Graduate Degree Curriculum Competencies	TX0009123402	D
AHIMA Council for Excellence in Education 2018 Health Information Management Graduate Degree Curriculum Guidance	TX0009123407	E
AHIMA Council for Excellence in Education Baccalaureate Degree Curricula Competency Crosswalk from the 2014 Health Information Management Competencies to the 2018 Curricula Competencies	TX0009123422	F
AHIMA Council for Excellence in Education Graduate Degree Curricula Competency Crosswalk from the 2014 Health Information Management Competencies to the 2018 Curricula Competencies	TX0009123401	G
AHIMA Council for Excellence in Education 2018 Health Information Management Curricula Competencies	TX0009123399	H

15. Each Work is registered to AHIMA with the U.S. Copyright Office, with the Registration Numbers listed in the middle column of the chart in ¶ 14 above. Copies of the Registrations are attached to this Complaint, corresponding to the last column of the chart.

B. Defendant and its Infringement of AHIMA's Works

16. On information and belief, Defendant is a limited liability company existing under the laws of the States of Minnesota with a place of business at 2901 Ashton Blvd., Suite 101, Lehi, UT 84043.

17. Defendant does business as "EHR Go." See <https://ehrgo.com/archetype-innovations/>.

18. On information and belief, EHR Go (used interchangeably with “Defendant”) does business on the Internet through <https://ehrgo.com>, conducts business in this District, markets and sells its services, including those that use AHIMA’s Works, in this District, and otherwise directs its marketing, advertising, and business to customers and potential customers in this District through the stream of commerce.

19. On information and belief, EHR Go offers courses of instruction in the field of electronic health record (“EHR”) systems offered via an on-line web site and other computer-based system for healthcare students and professionals.

20. On information and belief, EHR Go offers its courses of instruction by using software as a service that provides access to customizable educational EHRs, cases and scenarios, hands-on learning materials, and specialized assessments for the purpose of teaching and training healthcare students and professionals in the field of EHR systems.

21. On information and believe, EHR Go offers its course of instruction by providing temporary use of on-line non-downloadable computer software featuring customizable educational EHRs, cases and scenarios, hands-on learning materials, and specialized assessments for the purpose of teaching and training healthcare students and professionals in the field of EHR systems.

22. On information and belief, EHR Go has reproduced, prepared derivative works based upon, distributed, publicly performed, and publicly displayed AHIMA’s Works, or materials that are substantially similar to the Works.

23. On information and belief, EHR Go has done so by, without limitation, making the Works (or materials substantially similar to the Works) available on its website and via a mobile

app where its customers can view the Works (or the substantially similar materials) as part of EHR Go's courses of instruction on EHR systems.

24. EHR Go does not have, and has never had, any license, authorization, permission or consent from AHIMA to reproduce, prepare derivative works based upon, distribute, publicly perform, or publicly display AHIMA's Works, or materials that are substantially similar to the Works.

25. On information and belief, EHR Go has had access to each Work, and has known of AHIMA's copyright ownership in each of Work, since at least as early as 2014.

26. Despite that knowledge, EHR Go has continued to reproduce, prepare derivative works based upon, distribute, publicly perform, and publicly display AHIMA's Works, or materials that are substantially similar to the Works.

COPYRIGHT INFRINGEMENT

27. AHIMA repeats and realleges the allegations set forth in paragraphs 1-26 above.

28. Each Work is an original work of authorship entitled to the full protection of the Copyright Laws, 17 U.S.C. §§ 101 *et seq.*

29. EHR Go's unauthorized use of AHIMA's Works constitutes infringement under 17 U.S.C. § 501, as violating the exclusive rights granted to AHIMA by 17 U.S.C. § 106.

30. EHR Go has financially profited from its infringement.

31. EHR Go has engaged in the aforesaid acts of infringement for its own commercial and financial benefit and has failed to compensate AHIMA for EHR Go's infringing acts.

32. EHR Go's acts of infringement have been willful, intentional, and purposeful in that, among other things, EHR Go had access to the AHIMA's Works before engaging in its

unlawful acts, and had knowledge of AHIMA's copyrights therein, thus evidencing EHR Go's intentional disregard of, and indifference to, AHIMA's rights.

33. As a direct and proximate result of EHR Go's intentionally infringing conduct, AHIMA has suffered financial damage.

34. As a direct and proximate result of EHR Go's intentional infringing conduct, EHR Go has been unjustly enriched.

35. As a direct and proximate result of EHR Go's intentionally infringing conduct, AHIMA has incurred attorneys' fees and costs.

36. Unless enjoined by this Court, EHR Go will continue its unlawful conduct and will cause AHIMA to suffer additional harm, financial and otherwise (including irreparable harm). Absent injunctive relief, AHIMA does not have an adequate remedy at law to redress the injuries that EHR Go's wrongful conduct has caused and will continue to cause.

PRAYER FOR RELIEF

WHEREFORE, AHIMA respectfully requests that the Court award the following relief, applicable to EHR Go and to its officers, agents, servants, employees, and attorneys, and all other persons who are in active concert or participation with any of them, upon receipt of actual notice of a court order (*see* FRCP 65(d)(2)):

A. An order preliminarily and permanently enjoining and restraining them from exercising any of AHIMA's exclusive rights in the Work set forth in 17 U.S.C. § 106, including AHIMA's exclusive right to: (1) reproduce the Work; (2) prepare derivative works based upon the Work; (3) distribute copies of the Work to the public by sale or other transfer of ownership or by rental, lease, or lending; (4) perform the Work publicly; and (5) to display the Work publicly;

- B. Awarding AHIMA its actual damages, in an amount to be determined, suffered as a result of their unauthorized use of AHIMA's Work;
- C. Awarding AHIMA the profits they have realized from their unauthorized use of AHIMA's Work;
- D. Statutory damages as recoverable under 17 U.S.C. § 504(c);
- E. Awarding AHIMA its attorneys' fees and costs under 17 U.S.C. § 505;
- F. Prejudgment and post-judgment interest on any monetary award; and
- G. For such other, further, and different relief as the Court deems proper under the circumstances.

JURY DEMAND

AHIMA demands a jury trial pursuant to Federal Rule of Civil Procedure 38.

Respectfully Submitted,

By: /s/ Ryan L. Marshall

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